

REMARKS

Applicants would initially like to thank the Examiner for the allowance of claims 17 and 18, and the indication of allowable subject matter in pending claims 11 and 14.

Claims 9, 10, 12, 13, and 15 have been rejected under 35 U.S.C. § 103 as obvious over Zicker in view of McConnell. Claim 16 has been rejected under 35 U.S.C. § 103 as obvious over Zicker in view of Ariga. Claims 11 and 14 have been indicated as containing allowable subject matter. Claims 17 and 18 have been allowed.

Claims 9, 12, 13, and 15-18 remain in the application. Claims 9, 12 and 13 have been amended. Claims 10, 11 and 14 have been cancelled.

The Office Action rejects independent claims 9 and 13 under 35 U.S.C. § 103 as obvious over Zicker in view of McConnell et al. ("McConnell"). The rejection of these claims has been affirmed by the Board (although on Zicker alone, with the Board expressly disagreeing with the asserted application of McConnell). Claims 11 and 14, which depend from claims 9 and 13, respectively, have been indicated as containing allowable subject matter. Claims 11 and 14 have accordingly been converted into independent form via amendments to claims 9 and 13, respectively. Claims 11 and 14 (as well as claim 10, which is intermediately between claims 9 and 11) have been cancelled. In view of the indication of allowable subject matter, withdrawal of the rejection and allowance of claims 9 and 13 and claims dependent therefrom are respectfully requested.

Following reversal of the prior rejection of claim 16, the Office Action rejects independent claim 16 under 35 U.S.C. § 103 as obvious over Zicker in view of Ariga. Applicants traverse the rejection.

Claim 16 recites "sending a control signal representing a request for the ground-based network to discontinue forwarding incoming calls to the vehicle." Claim 16 also recites "said control signal does not affect a call in progress between the user and the fixed network." The

Board of Appeals has already confirmed that Zicker does not have any such signal. As disclosed in Zicker at column 14, such a control signal stays within the aircraft, and never is disclosed as leaving it. Given that the Zicker methodology does not utilize a ground-based signal in the corresponding conversion from passive mode, there is no suggestion or motivation to send such a signal to the ground.

The reliance on Ariga does not provide what is lacking from Zicker. Ariga relates to a phone working in cooperation with a local base station. There is no ground station – vehicle relationship as recited in claim 16, and the reference fails to provide any guidance in that art. Nor does the control signal referred to in Ariga appear to be a control signal that, as recited in claim 16, discontinues incoming calls without affecting a call in progress; to the contrary, it appears to be a complete shutdown of power, which would obviously affect a call in progress.

Accordingly, claim 16 is patentably distinct over the applied art. Withdrawal of the rejection and allowance of the same are therefore requested.

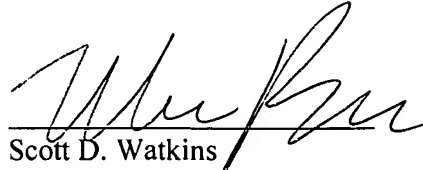
In view of the foregoing, the application is now believed to be in proper form for allowance, and a notice to that effect is earnestly solicited.

If a telephone conference would be of value, the Examiner is requested to call the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge/credit any fee deficiencies/overpayments to Deposit Account No. 19-4293 (11696.0054).

Date: November 6, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott D. Watkins", written over a horizontal line.

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